

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
September 4, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., September 4, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson, and Mary Rose Wilcox. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**INVOCATION**

Bill Scalzo, Chief Community Services Officer, delivered the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Leigh Wales, Homeward Bound, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Julie Bank, Maricopa County Animal Care & Control, introduced September's Pet of the Month, an eight-week old mixed terrier named Spot. Chairman Stapley suggested that this month's pet should be held by County Administrative Officer David Smith who promptly received two kisses of appreciation on his chin from Spot as she settled in. Ms. Banks said the dog would be available for adoption at the 35<sup>th</sup> Avenue clinic at 1:00 p.m. The phone number for that clinic is 602-506-PETS or online information at [www.Maricopa.gov/pets](http://www.Maricopa.gov/pets).

**EMPLOYEES COMBINED CHARITABLE CAMPAIGN**

The United Way campaign has been renamed The Maricopa County Employees Combined Charitable Campaign and the 2002 drive was officially opened with a kick-off speech by Campaign Chairman Bill Scalzo. Mr. Scalzo serves the County as Chief Community Services Officer. He said that this year's goal is \$450,000 and he anticipates no problem with collecting this amount since \$45,000 was collected from less than 75 people at the campaign coordinator's training session. Mr. Scalzo indicated that there would be some new and innovative ways to donate in this year's drive which include a baseball game on September 11, a November 23 golf tournament in conjunction with the Mesa United Way, a County crafts fair in late October, a bowling tournament and casual day tickets at \$2 by the day or \$25 for the six-weeks of the campaign. An online auction will also be held for many desirable items including a Russell Houston print, with framing worth \$150 that was donated by Ray Stewart. Mr. Scalzo said they tried to think of every conceivable way for employees to donate including payroll deduction, credit and debit cards, cash, and online signup, but he offered to add any others that people suggested. Mr. Scalzo reported that there are 180 participating charitable agencies involved as recipients this year and felt that everyone could find a charity that they would want to designate their donation towards. Ms. Leigh Wales representing Homeward Bound, spoke briefly on the type of work done by their agency, which is to move families and children off of the streets and into their own homes or from homelessness to self-sufficiency. She said that Homeward Bound deals in transformations and they are currently helping 171 families. She reported on two case histories to illustrate the kinds of situations a donation to this agency would subsidize. The first was about Sally, a nine-year old girl and the second was about Sam, a single father and his three sons. So far as she is aware there is no other program like Homeward Bound anywhere else in the country and many jurisdictions are coming to them to observe and learn more about how it is organized. She remarked that Homeward Bound is truly an agency that makes a difference to families in keeping them from turning to domestic violence or homelessness. (ADM3311)

**FORMAL SESSION  
September 4, 2002**

**PRESENTATION TO SONORA VETERINARY SPECIALISTS AND ACCEPTANCE OF DONATION**

Ed Boks, Director of Animal Care and Control (AC&C), presented Dr. Steven Gillman and Jennifer Gillman, Sonora Veterinary Specialists, with the County's Humanitarian Award in recognition of their outstanding and unprecedented contribution to lost, abandoned, homeless and unwanted animals who were found injured or severely injured when they were picked up by Maricopa County's AC&C. These animals are taken to Sonora Veterinary Specialists who has provided over \$50,000 in pro bono veterinary services over the past year for more than 300 injured animals that would otherwise have had to be euthanized because of the severity of their trauma. The veterinarians at Sonora Veterinary Specialists have spent countless hours and dollars on surgical procedures, equipment, medications and rehabilitation. They demonstrate loving care in such ways as implanting nerves into legs so the animal can walk again and treating a dog, 80% of whose body was covered with chemical burns and who required daily therapeutic baths and bandage changes for three months. Mr. Boks accepted the donation of veterinary services, time, care, and love from Sonora Veterinary Specialists on behalf of the County's Animal Care and Control Services. He indicated that 100% of the 300 sick and injured animals restored to health by their heroic efforts during the past year were eventually adopted out to loving homes. He said that Sonora Veterinary Specialists made these abandoned and wounded pets special through the special care and love they practice. Mr. Boks also acknowledged the members of the AC&C medical team who were present in the audience, and acknowledged their efforts in restoring animals found in trauma back to good health so they can be adopted. (C79030117) (ADM2300)

**PUBLIC HEARING – ANIMAL CARE AND CONTROL SERVICES FEE ADJUSTMENT**

Item: This is the time scheduled for a public hearing to consider implementation of a fee schedule for dog and cat adoptions, and to consider the implementation of new fees and adjustment to existing fees. The proposed fees will be attributable to and defray or cover the expense of the product or service for which the fees will be assessed. No fee will exceed the actual cost of the product or service provided. (C79020617) (ADM2305)

**New fees are as follows:**

1. Adoption Package Fee \$0-\$150 scale: The cost of providing adoptable animals to the public varies and can accumulate to more than \$200 for each dog or cat based on the cost of housing, vaccinating, licensing, and providing basic clinical care for each specific animal. These costs are equal to or more than the maximum suggested Adoption Package Fee which will be used to cover the expense. The Adoption Package Fee will be based on the following:
  - \$54 basic adoption fee (dogs) or \$44 basic adoption fee (cats)
  - \$30 for 3 days board
  - \$25 spay surgery
  - \$10 rabies vaccination
  - \$10 for a 4-1 vaccination or a 3-1 vaccination
  - \$10 parasite medication
  - \$10 license tag
  - \$25 veterinary services fee
  - \$50 impound fee
  - Adoptable dogs and cats may be held for longer periods of time at a cost of \$10 per day to maintain them.
2. Bordatella vaccination \$10
3. Cat Leukemia \$10
4. Cat Leukemia test \$15

**FORMAL SESSION  
September 4, 2002**

5. Cat Leukemia/FIV combo test \$20
6. Cat in trap (1st free) \$61
7. Cats – Municipalities \$61
8. Frontline \$10 (Replaces tick dip fee)
9. Euthanasia \$25 (Replaces owner requested euthanasia fee)
10. Owner Attended Private Euthanasia \$55
11. Animal Carcass Disposal \$5
12. Microchip \$15
13. Wellness Exam – non-routine \$15
14. Earflush- Dog – non-routine \$20
15. Earflush- Cat – non-routine \$15
16. Dental – Dog – non-routine \$25
17. Dental – Cat - non-routine \$20
18. Groom/shave – non-routine \$20
19. Umbilical Hernia Repair – non-routine \$15
20. Dog – Heartguard – non-routine \$20
21. Dog – Heartworm Test – non-routine \$15
22. Owner Relinquishment \$20

**Fee increases are as follows:**

1. Rabies Vaccination \$10 from \$6
2. 3-1 (cat) vaccination \$10 from \$6
3. 4-1 (dog) vaccination \$10 from \$6
4. Daily Board – Dog \$10 from \$7
5. Daily Board – Cat \$10 from \$7
6. Laboratory – euthanasia required \$50 from \$33
7. Medication Dispensed Cost Recovery from \$8
8. Progressive Kennel Permit Cost Recovery of \$90 from \$75 for initial permit, administrative processing and first inspection visit. Subsequent inspection visit returns additional cost recovery fee - Effective September 1, 2002
9. Kennel Permit – Subsequent Inspection Return \$50 (each additional visit)

Additionally, AC&C requests the authority to temporarily reduce adoption package fees during special adoption days and special adoption events held periodically each year when the shelters become overcrowded. The resulting reduction in revenue from these events is offset by the savings in reduced euthanasia costs.

No protests having been received Chairman Stapley called for those who wished to speak at this hearing to step to the lectern.

Tina Singer, citizen, said she was generally in favor of this new fee schedule despite several doubts she had regarding the sliding scale costs, health care services and whether it would be possible for services to be expanded so animals could be turned in seven days a week instead of four. She said it would make it easier for the rescue volunteers if they could turn animals in over the weekend.

Mildred Gleeson, citizen, read a prepared statement on her belief that the \$60 turn-in fee for cats will guarantee fewer turn-ins and leave more cats to wander the streets to fend for themselves just as the \$20 turn-in fee for dogs will also deter many pet owners, who will choose to dump their dogs to run free rather than pay it. As a result of these fees, she foresees that there will soon be many fewer cats and dogs

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

housed in the county pound. She believes that the budget will not be increased accordingly, to pay for the additional field officers needed to collect all the additional stray animals. She indicated that the decreased number of animals that do get into the pound will be easily adopted out, leaving few animals for animal services to care for. She indicated that all of this will eventually cause the system to self-destruct, which will require the replacement of the current director (Ed Boks). She indicated that this is her goal and the stated reason for her approval of the fee schedule.

Treva Slote, CEO of AZ SPCA (Society for the Prevention of Cruelty to Animals) reported that the County has long needed new and efficient facilities for the animal pound. She indicated she helped to promote the first dog pound 40 years ago and while it has improved from the inefficient and inhumane facility provided at that time, there is still a great need for improvement and she believes the funds should be provided to do this. She charged that the Board of Supervisors has never allotted monies for the capital improvements that should have been made through the years. She said that Arizona ranks 48<sup>th</sup> out of the 50 states when it comes to capital investment in such facilities. Recognizing that budgetary funds are low now she asked that this be addressed as soon as possible as she feels the stray and feral cat situation will proliferate without restraints and cause an increase in diseases in the future.

Paul Dewey, Vertebrate View, read a letter from Patty Finch, the president of that organization, in support of the new fees and sliding fee schedule. In it, she expressed appreciation for Mr. Boks' forward-looking strategies, especially in furthering the adoption of older animals as pets as they are often overlooked in favor of the younger ones. Mr. Dewey prefaced his remarks with an endorsement of Ed Boks' initiative and leadership in improving compassionate circumstances for animals, and professed his complete amazement at earlier citizen statements denouncing Mr. Boks and his reign as Director of Animal Control, which Mr. Dewey cited as highly exemplary. He said that the problems listed by the second speaker (Ms. Gleeson) may have happened in other places but he felt sure they would not happen here because, "it all has to do with the quality of leadership, and Maricopa County has a jewel in Ed Boks as an innovator and dedicated fighter for animal rights."

Supervisor Kunasek asked about the sliding scale in reference to proliferation of dog fighting by making animals available at a reasonable fee and he also asked about screening methods for those wanting to adopt dogs.

Ed Boks reported that they have included an adoption counseling program to get as much assurance as possible that those wanting a pet will provide a loving home for the animal they choose. He said that any animal they can identify as a fighting animal would never be adopted out.

Supervisor Kunasek thanked him and gave his support for the four years of effort to improve the facility made by Mr. Boks, saying "the department has moved light-years from where it was." He said that if it is found that this proves to have been the wrong decision he wants the Board to revisit the question with Mr. Boks. Mr. Boks responded that they regard this, and all new programs, as being in a pilot-phase and if it works they will enhance it and if it does not work out they will withdraw it.

Supervisor Brock asked for comparable rates for services between AC&C and most veterinarians; about the hours allowed for the turn-in of pets; and also about the fees.

Mr. Boks said they charge based on actual cost and so they would be at the low end of the spectrum of fees charged for various services by veterinarians, and at the extreme low end on cost of a pet in comparison with pet shops. He said that the huge numbers of animals turned in over a three-day weekend just overwhelms their facilities and most pet owners understand the problem and willingly cooperate. He added that no one is ever turned away without an acceptable remedy. He stated that the

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

\$61 turn-in fee for cats only applies to feral cats and not to domestic cats, which are \$20 the same as dogs. The \$61 is their actual cost for processing feral cats. He said that there is no statutory obligation for them to take these cats but it is a service they wish to provide.

Supervisor Brock thanked Ed Boks for his innovative ideas and dedication and he also thanked those residents who have called, written and otherwise expressed their support for this fee schedule change.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the fee schedule as listed above.

**CODE ENFORCEMENT REVIEW – CACTUS ROSE, LLC**

This is the time scheduled for oral argument in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Cactus Rose, LLC, Case No. V2002-00530. (ADM3417-11)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept and approve the Hearing Officer's Order of Judgment.

**PUBLIC HEARING – PLANNING AND DEVELOPMENT STREET NAME CHANGE**

This is the time scheduled for a public hearing to change a street name from Via de Palmas to Cedar Place in the plat of Circle G at Riggs Homestead Ranch Unit 4, Maricopa County, Arizona. The request is being made to correct a platting error. (C44030020) (ADM2018)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the street name change.

**LIQUOR LICENSE**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

Application filed by Kenneth James Smithee for a Special Event Liquor License:

Organization:	Pioneer Arizona Living History Village (F22997)
Location:	3901 West Pioneer Road, Phoenix
Date and Time:	Saturday, September 7, 2002; 9:00 a.m. – 11:00 p.m.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

**TRANSFER FROM GENERAL GOVERNMENT CONTINGENCY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer, not-to-exceed \$64,440, from General Government Contingency to the Maricopa County Sheriff's Office budget at the end of FY 2002-2003 so that additional expenses associated with the increase in homicide investigations can be covered. This amount represents the annual rental costs

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
September 4, 2002**

for six additional leased vehicles at \$895 per month (\$64,440 annually). The Sheriff's Office is currently working on 33 homicide cases. In 2000, there were 19 homicide cases. The Sheriff's Office fleet is not sufficient to accommodate the additional vehicle usage requirements to address this increase, and leasing is the best option to fill the immediate need. (C5003027M) (ADM3900)

**INTERGOVERNMENTAL AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement between the Maricopa County Sheriff's Office and the Drug Enforcement Administration (DEA), whereby one deputy will be assigned to the DEA Phoenix Task Force for one year, beginning October 1, 2002, through September 30, 2003. Also approve acceptance of up to \$9,801 in grant like funding to cover overtime this deputy may work during the life of this agreement. Funding to the Drug Enforcement Administration is included in its Federal appropriation; therefore, funding to Maricopa County is not a grant and not subject to indirect costs (per Department of Finance). No budget adjustment is required. (C50035232)

**MONTH-TO-MONTH RENTAL PAYMENTS FOR LEASE WITH JEFFERSON SQUARE, LTD.**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve continuing month-to-month rental payments for Lease No. L7120 with Jefferson Square Ltd., Lessor for indigent representation and public defender. The lease is for 1,876 square feet of training space located in the Luhrs Complex, 45 West Jefferson, Arcade Suite 10, Phoenix. Negotiations are still in progress for a consolidation lease intended to combine several leases at the site into one lease. The monthly rent for the continuing period is \$2,340, plus rental tax per month. (C33030014404) (CS916097) (C33975004)

**PERSONNEL AGENDA**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

**REGISTRATION, FINANCIAL COUNSELING & ELIGIBILITY FY 2003 GAINSHARING PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the "Registration, Financial Counseling & Eligibility FY 2003 Gainsharing Program" for Maricopa Integrated Healthcare System, per the Employee Gainsharing Programs Policy (HR2419) with an exception to Section III, Item 3, to allow for same fiscal year payment of gainsharing incentives due to increased revenue. The policy indicates that a program involving revenue enhancement will award the participants in the following fiscal year, in order for the revenue to be properly budgeted through an increased expenditure authority. In the case of this program, and through the nature of cash collections, the cost associated with the payout of the quarterly gainsharing incentives can be easily absorbed in the current MIHS budget. Paying incentive awards in the same year as earned is a standard business practice in the health care industry. (C35020056) (ADM3345)

**RESOLUTION – ANNUAL PUBLIC HOUSING ASSESSMENT SYSTEM REPORT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt a Resolution approving the Housing Department's Annual Public Housing Assessment System (PHAS) Report for the period ending June 30, 2002, as required by the U.S. Department of Housing and

**FORMAL SESSION  
September 4, 2002**

Urban Development. Each fiscal year end, the Housing Department must certify to HUD that it achieved certain performance standards in the operation and management of its public housing inventory. HUD looks at indicators for occupancy, rent collection, maintenance operations and inspections, financial management, procurement, modernization and resident involvement and assigns point values to those indicators based upon responses to questions. Once HUD reviews the electronically submitted report, a score will be assigned and the Department notified. (C6603002M) (ADM2403)

**RESOLUTION**

**RESOLUTION APPROVES THE MARICOPA COUNTY HOUSING DEPARTMENT'S ANNUAL PUBLIC HOUSING ASSESSMENT SYSTEM (phas) CERTIFICATION REPORT FOR THE PERIOD ENDING JUNE 30, 2002, AS ELECTRONICALLY SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ON AUGUST 9, 2002.**

**WHEREAS**, the U.S. Department of Housing and Urban Development implemented the Public Housing Assessment System (PHAS) to evaluate major areas of management and operations of Public Housing agencies, and

**WHEREAS**, the Housing Department has completed the PHAS Annual Report Certification for the U.S. Department of Housing and Urban Development, and

**WHEREAS**, the PHAS report was electronically submitted to HUD on August 9, 2002, pending Board approval, and

**WHEREAS**, the Maricopa County Housing Department anticipates a PHAS score in at least the standard range.

**NOW, THEREFORE, BE IT RESOLVED** by the Maricopa County Board of Supervisors that the Maricopa County Housing Department PHAS Certification report for the period ending June 30, 2002, be approved as submitted to HUD on August 9, 2002.

**DATED** this 4<sup>th</sup> day of September 2002.

**EXPENDITURE OF CARRYOVER FUNDS FOR FY 2003 FOR RITTOCH-POWELL & ASSOCIATES CONTRACT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize expenditure of carryover funds for FY 2003 for the Rittoch-Powell & Associates contract in the amount of \$19,400. (C3001006101) (ADM3200)

**CANCELLATION OF CONSTRUCTION CONTRACT; REAUTHORIZE CALL FOR BIDS AND AWARD – RV DUMP STATION AT CAVE CREEK RECREATIONAL AREA**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to cancel the construction contract awarded on November 15, 2001, to Hunter Contracting, Co., re-authorize call for bids to construct a RV Dump Station at Cave Creek Recreational Area, and award a contract to the lowest responsible bidder if the bid does not exceed the engineer's estimate by more than 10%. The Cave Creek Recreation Area RV Dump Station Project includes construction of one dump station. The funds to pay for the contracted amount for the dump stations will be from the Parks and

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
September 4, 2002**

Recreation Department Capital Fund monies set aside in the General Government Major Maintenance Fund. This is the Parks Department third time seeking approval for the Cave Creek RV Dump Station. A successful bid opening was held on October 17, 2001, and the Board signed the contract on November 15, 2001. However, due to the Office of Management and Budget Memo No. 7 dated October 26, 2001, funding for this construction project was canceled in December 2001. A notice-to-proceed was not issued to the contractor and they were notified on January 14, 2002, that Parks would not be proceeding with the project. Previously, a bid opening was held on May 30, 2001, at which time only one bid was received exceeding the engineer's estimate by more than 10%. The bid was rejected. (C3002005501)

**AMENDMENT TO INMATE WORK CONTRACT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute Amendment No. 2 to the Inmate Work Contract (ADC Contract No. 010050DC) between Maricopa County, Arizona Department of Corrections, and Correctional Services Corporation. This amendment replaces the ADC Emergency Contract referenced in Amendment No. 1 with the final and correct ADC Contract No. 010039DC and changes the authority to contract with the Correctional Services Corporation to this contract number, including the contract term dates. (C3001029102)

**PURCHASE OF EQUIPMENT AND ADD TO FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the purchase of the following equipment for use by Park Staff at San Tan Mountain Regional Park, McDowell Mountain Regional Park, and Lake Pleasant Desert Outdoor Center:

- two full size sports utility 4x4 vehicles (one for park police and one for park supervisor)
- two gas powered 4x4 all terrain vehicles (ATV's)
- equipment trailer for hauling the two ATV's
- ½ ton extended cab 4x4 pickup truck
- two general utility trailers
- 15 passenger van

It is further requested that the listed vehicles be added to the Maricopa County vehicle fleet. The cost of the equipment including tax and warranty is estimated to be \$172,000. These vehicles are consistent with the County's vehicle policy. Any vehicle replacement costs associated with the adding of the vehicles to the County fleet will be the responsibility of the requesting department and will be absorbed within the current and future general fund budget appropriations. (C3003001M) (ADM3100)

**ALLOCATION OF FUNDING - MARICOPA COUNTY REGIONAL TRAIL SYSTEM PLAN**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the recommendation of the Maricopa County Trail Commission to allocate \$250,000 each year for two years (beginning in FY 2003) to complete the Maricopa County Regional Trail System Plan. The Board amended the FY 2003 tentative budget to include \$250,000 for FY 2003 only but made no mention of continued funding in FY 2004. This action is to initiate the funding of the project and clarify the Board of Supervisors intent to create and fund the Maricopa County Trail program through FY 2004. Funding for this item has been included in the FY 2003 budget in General Fund Appropriated Fund Balance. (C30030028) (ADM3244)

**MARICOPA COUNTY REGIONAL TRAIL SYSTEM PLAN, PHASE ONE**



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

Item: Approve and adopt the Maricopa County Regional Trail System Plan: Phase One. The Regional Trail System's goals are to connect the County Park System, link recreational corridors around the valley, and help preserve open space in the community. The project will capitalize on existing right-of-ways such as canals, parks, utility corridors, and flood control projects. The Maricopa County Trail Commission is developing community partnerships to make the program a reality. Phase One will serve as a template for the entire trail system, including basic trail design guidelines and an implementation plan that will guide future development of the trail. (C3003003B) (ADM3244)

Supervisor Kunasek said that it has taken three years to bring the County's Regional Trail System to this point and with the adoption of Phase One of the Regional Trail System Plan all developers will be aware that this trail must be incorporated into their plans as it is a county-wide system and a true legacy to the future. He thanked Chairman Stapley and everyone who had become involved and worked to bring this about for their continued encouragement and support. He said that he believes it is one of the strongest unanimous agreements that the Board has ever supported and he thought it very fitting that this occurred for a measure that is county-wide and has such a far-reaching impact on the future of so many people. He believes that the preservation of land in its pristine state for the future use and enjoyment of thousands is a noble cause.

Supervisor Brock remarked on both of the last two items covering the funding and approval of the Trail System. He said this will result in a continuous trail around the periphery of the County that will be several hundred miles long. He congratulated Supervisor Kunasek on his tenacity in working on this project and championing a very progressive program. He cited Bill Scalzo and the Parks Department staff for their dedication. He said it speaks to a higher quality of life for those living here now and in the future. He indicated that there are still several questions relative to maintenance and liability on the trail that remain unanswered and hoped the private sector would partner with the County on these for the portion that runs through their area.

Chairman Stapley said that this ongoing effort will become a legacy that this Board of Supervisors and the current administration will mark as its greatest achievement. He added that this is actually saying a great deal considering what is being done in the criminal justice and healthcare arenas, both very important public issues and responsibilities. "But in terms of a legacy, this Regional Trail System will be an accomplishment that is unique throughout the country and a legacy for upcoming generations for many, many years in the future."

Supervisor Wilcox said that when the Board started talking about this project in February 2000 there was apprehension about other cities accepting it and adding the Trail into their General Plans but everyone seems to be tied into it now. She said, "We have few proud moments as members of an elected body, and this is one of them. You have to save a little bit for people's souls and the future of our children, and this really does that."

Supervisor Wilson agreed with Members who kidded him about falling into such a treasurer-spot, since most of the Trail System is in his district and the plan was well along when he came on the Board. He indicated that he has hiked trails and ridden horseback during the many years he has lived in Maricopa County and was well aware of this "treasure" and the need to preserve it. He thanked those who had initiated the idea and kept it going to this point for himself and for all those residents who would long enjoy the fruits that this Board set aside for their pleasure.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and adopt the Maricopa County Regional Trail System Plan: Phase One.

**FORMAL SESSION  
September 4, 2002**

**FILING OF CROSS APPEAL**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve filing of cross appeal in August vs. Maricopa County, Case CV 96-006895. (Discussed in Executive Session on August 19, 2002.) (C3003004M) (ADM412)

**FUND TRANSFERS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award of Solicitation Serials:**

- 02069-C      PADLOCKS (\$126,000 est/(2) two years w/three (3) one year renewal options)**  
Award recommendation for pricing agreement for Padlocks as requested by MCSO, MCDOT, Equipment Services and Facilities Management.
- Clark Security Products

**Sole Source Award**

Award a one year sole source procurement to Bentley Systems Inc. for the purchase, implementation and maintenance of Projectwise® for the engineering office. This system will consolidate decentralized engineering content into a single presentation to ensure that all project team members have access to the right data when they need it. Bentley systems products are currently the standard engineering CADD applications at use at MCDOT. The product, services, and maintenance will not exceed the Maricopa County Department of Transportation's budgetary authorization and this sole source request has been advertised in accordance with the County's sole source procurement procedures. (C73030041)

**Contract Extensions:**

The extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).  
**Until October 31, 2003**

- 00102-SC      INFORMATION TECHNOLOGY CONSULTANTS (\$1,622,700 est./One (1) year)**  
Contract extension for IT consultants to be used by various County departments based on individual budgetary authorizations.

**FORMAL SESSION  
September 4, 2002**

- Ablest Technology Services
- Advantage Professionals of Phoenix LLC
- AJILON
- Alpha Dog Consulting LLC
- Analysts International Corporation
- AXX-IS Professional Technical Recruiting
- Best Consulting
- Bull HN Information Systems
- C3B Group Inc.
- CDI Technical Services
- Ciber Inc.
- Cierra Consulting Company
- Maximus Inc.
- Comforce Technical Services
- Computer Information Technology Corp.
- Computer Magic Incorporated
- COMSYS Information Technology Services, Inc.
- Consultants In Data Processing
- Coplan & Company
- Cunningham Consulting
- Data Site Consortium, Inc.
- Datalink Software Consultants Inc.
- Dataweb Technologies
- Ecorridor Inc.
- Gartner Inc.
- Gilltek Systems International Inc.
- Hall Kinion and Associates, Inc.
- IBM Corporation
- Ingenuity Inc.
- INT Technologies, LLC
- IT Connections, Inc.
- Justice Served
- Kelly Technologies Inc.
- The Kemtah Group, Inc.
- Globalsoft Consulting Inc.
- Kinetik IT
- Law-on-Line Inc.
- Management Decisions-MDI LLC
- Matrix Resources Inc.
- OAO Services Inc.
- RB Balch & Associates Inc.
- Reliance Systems Inc.
- The Resource Connection Inc.
- Scientific Technologies Corp.
- Sentinel Technologies Inc.
- Smartnet Consulting
- Softech Inc.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

- Spherion Corporation
- Superior Technical Resources Inc.
- Systems Technology Group, Inc.
- Tech One Staffing
- Technology Integration Group Bishop Ranch 5=6
- TSG IT Resources
- The Thor Group Inc.
- TMP Worlwide
- T Squared Interactive Corporation
- Unity Software Systems
- Webb Information Services LLC
- Kelly IT Resources

**Increase in the contract amount for the following contract(s).** This request was due to an increased usage by County departments.

**99191-SC**

**Electronic Surveillance – Juveniles**

Increase the value of this contract from \$400,944 to \$485,000. There have been no price increases for this service. Juvenile Probation Agency states that the need for increase of contract value is due to unexpected increases for replacing lost and damaged monitoring units. The Board awarded this contract on March 1, 2000, with a value of \$400,944 through March 31, 2003.

- Safeguard Security Services

**RENEWAL OF KENNEL PERMITS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of September 4, 2002, through September 3, 2003. (C7903008C) (ADM2304)

- Gene or Helen Cowart, dba Cowart Kennels, 16252 South Tuthill Road, Buckeye, Permit No. 269.
- Teri Yool, dba Desert Big Dogs, 9031 West Columbus Avenue, Phoenix, Permit No. 315.

**DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of donations made by citizens of Maricopa County through the Business Office of Animal Care & Control (AC&C) in the amount of \$1,716.29 and \$14,698 in donations that were made through the licensing process for the month of June 2002. Additionally, approve an increase in Animal Care & Control's FY 2003 Agency 792, Fund 572 Expenditure budget in the amount of \$16,414.29. Donations were received and deposited in FY 2001-2002. (C79030097) (ADM2300)

**AMENDMENT TO AFFILIATION AGREEMENT WITH ARGOSY UNIVERSITY/PHOENIX**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Affiliation Agreement between Correctional Health Services and Argosy University/Phoenix (Graduate Psychology Program). Approval would allow continuation of the program to provide graduate psychology students the educational opportunity to work in a supervised, clinical

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
September 4, 2002**

environment within the Maricopa County jail and detention facilities. Approval would extend the agreement for the period November 1, 2002, through October 31, 2003, with three renewable one year options remaining. There is no financial impact. (C2602005001)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA FOR VECTOR CONTROL SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Peoria for Vector Control Services. The agreement will be from the date of Board approval through January 31, 2004. The City of Peoria will pay the County \$146 per acre for larvicide application and \$1.49 per acre for adulticide application to City owned properties. The County expects to generate approximately \$6,000 yearly from this contract. (C88020542)

**LICENSE AGREEMENT WITH SALT RIVER PROJECT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a License Agreement with Salt River Project allowing the County to utilize SRP owned poles for installing roof rat bait stations. The agreement will be effective from the date of Board approval and will remain in effect until terminated. (C88030040)

**INTERGOVERNMENTAL AGREEMENT WITH REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)/VALLEY METRO**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley Metro in the amount of \$400,000 for services to the Maricopa County Regional Travel Reduction program. Funding to support these activities is from a grant to Maricopa County from the Arizona State Department of Environmental Quality. These funds are made available to the County from the State of Arizona Clean Air Fund. The RPTA will carry out project work activities, issue requests for proposals and hire consultants as required to perform related work activities. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not-to-exceed June 30, 2003. (C88030052)

**AMENDMENT TO CONTRACT WITH TEACHERS ON CALL, INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the contract with Teachers on Call, Inc., to provide Human Services' Head Start programs with substitute teachers and teachers aides. The purpose of the amendment is to exercise Option Year 2 of the four, one-year renewals allowed under the terms of the contract. This is a fixed-price, hourly-rate contract which will not exceed \$100,000 in value during FY 2003. The effective dates are from July 1, 2002, to June 30, 2003. This contract does not include any County general funds. (C2201022102)

**APPOINTMENTS TO MARICOPA WORKFORCE CONNECTION (MWC), INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint the following sixteen individuals to the Maricopa Workforce Connection (MWC), Inc., which serves as the Workforce Investment Board for the balance of Maricopa County, outside the City of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The terms are effective upon appointment by the Board of Supervisors through June 30, 2004. (C2203100M) (ADM2512)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

The following are new additions:

- Amie E. Cooper from Lowe's Home Improvement Warehouse, is a new addition
- Sherry Froberg from the Arizona Department of Economic Security JOBS Administration, is a new addition
- Pam Ross from Honeywell, replacing Kat Drum
- Audrey DeLange from Discover Financial Services, replacing Don Jones
- Ken Zadoorian from Cox Communications, replacing Larry Mello
- Bob Neckes from Macayo's Mexican Kitchen, replacing Greg Maderitz
- Marty Falk from Motorola, replacing Barbara Clark
- David Reyes from Title V, replacing Maria Ramirez-Trillo

The following are re-appointments for additional two-year terms:

Paul Denial  
Thomas Quine  
Gabe Loyola  
Belinda Hanson

David Laster  
Camille Donaldson  
Mary E. Wambach  
Diane McCarthy

**AMENDMENT TO CONTRACT WITH JON L. BELSHER, M.D.**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Jon L. Belsher, M.D., for the provision of part-time physician services to homeless individuals at the Maricopa County Department of Public Health (MCDPH) Healthcare for the Homeless Program. The amendment increases the hourly rate from \$55 per hour to \$62 per hour, adding \$47,616 in funding and extends the contract term from August 31, 2002, to August 31, 2003. (C8602031101)

**AMENDMENT TO LEASE/LICENSE AGREEMENT WITH PHOENIX SPECTRUM MALL, LLC**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to limited service Lease/License Agreement No. L7320, with Phoenix Spectrum Mall, LLC, an Arizona limited liability company, for 4,373 square feet of space located at Spectrum Mall (19th Avenue and Bethany Home Road), the former Christown Mall. The premises are used to conduct a child immunization clinic for school age children. The amendment extends the lease period from September 30, 2002, through December 31, 2003. The cost will be \$5,000 per month, plus 2.4% rental tax and cost of utilities on a prorated basis (\$2.50 per square foot). In addition, the agreement requires a \$50 per month payment to the Phoenix Spectrum Mall Merchants Association. This lease is funded by a state grant and will not affect the County general fund. (C8602138401)

**CONTRACT WITH BOYS & GIRLS CLUB OF METROPOLITAN PHOENIX**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with the Boys & Girls Clubs of Metropolitan Phoenix to provide tobacco use prevention and education services. The term of the contract is from October 1, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$50,625. (C86030451)

**TRANSFER OF FUNDS FOR IMPLEMENTATION OF A MANAGING FOR RESULTS (MFR) TIME ALLOCATION SYSTEM**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the transfer of not-to-exceed \$187,000 for the implementation of a Managing for Results (MFR) Time Allocation system from Appropriated Fund Balance/contingency to Appropriated Fund Balance General Fund Program and to authorize the Office of CIO to spend against those designated funds. (C41030020) (ADM2705)

**ADDITION TO FLEET OF FIVE UTILITY VANS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an addition to the fleet of five utility vans. The cost to purchase these vans is expected to be \$120,000 and is included in the existing budget for FY 2002-2003. The additions to the fleet are requested to support additional staff required to maintain new facilities. The new facilities are: Forensic Science Center/Jefferson Street Parking Garage, NW Regional Court Facility, Lower Buckeye Central Services Facility, Durango Parking Garage, Mesa Early Disposition Court (expanded use of facility), and the Durango Residential Treatment Facility. The vans are essential and will be utilized to transport technicians and equipment to the job sites within the County. Total operating costs for these vehicles are estimated at \$5,000 per year and will be absorbed within the departmental budget. (C70030188) (ADM3100)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

X-0298            Project No: 68840 - Estrella Roadway Phase II-B (El Mirage Road to Lake Pleasant Road)  
(LJS)            - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.  
                     201-21-042 - Anna Christina Lopez - for the sum of \$5,000.00.

**CHANGE ORDER TO CONTRACT WITH HDR ENGINEERING, INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 7 to Contract No. CY 1998-11 with HDR Engineering, Inc., in an amount not-to-exceed \$30,000 to include a post design allowance in the contract, and to authorize the consultant to perform the necessary post design services during the construction period, for Phase 2A of the Estrella Roadway project, Work Order No. 68840. This change order will increase the total contract amount by \$30,000 to a revised contract amount of \$2,212,721. (C6498218507)

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT – IMPLEMENTATION OF ELLSWORTH ROAD CHANNEL PROJECT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement (FCD 2000A002A) for implementation of the Ellsworth Road Channel Project. IGA FCD 2000A002, Ellsworth Road Channel, is between the Flood Control District of Maricopa County, Maricopa County Department of Transportation, and the City of Mesa. The amendment better defines the construction management responsibilities and includes the Powerline Floodway improvements as part of the Ellsworth Channel Project. (C6400243201)

**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
September 4, 2002**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

**CONTRACT WITH UNITED BLOOD SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a new contract between United Blood Services and Maricopa Integrated Health System for Blood Product Services. Term of the contract is August 19, 2002, through August 18, 2004, with options to renew up to three additional years. The contract not-to-exceed amount is \$3,000,000. This contract may be cancelled by either party with 90-days written notice. This contract provides high quality whole blood and blood components to the Maricopa Medical Center Blood Bank. (C90030161)

**MARTHA TAYLOR THOMAS' RESIGNATION FROM INDUSTRIAL DEVELOPMENT AUTHORITY ACCEPTED**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the resignation of Martha Taylor Thomas, effective August 27, 2002. Ms. Taylor served on The Industrial Development Authority, representing District 1. (ADM4500-1)

**APPOINT JAMES COOK TO PUBLIC SAFETY RETIREMENT BOARD**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint James Cook as the Chairman's designee to the Public Safety Retirement Board. The term of the appointment will be from September 4, 2002, through December 31, 2002. (C02030037) (ADM3904)

**HEARING SET – ROAD FILE DECLARATIONS**

Petitions having been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule hearings for 9:00 a.m., Wednesday, October 2, 2002 to consider this matter.

**Road File A224:** General vicinity of Dennis Street from the Central Arizona Project (CAP Canal) to Ellsworth Road. (C64030335) (F23064)

**Road File A225:** General vicinity of Elmont Drive from 4<sup>th</sup> Avenue to Apache Boulevard. (C64030345) (F23065)

**Road File A228:** General vicinity of Mercury Drive from Signal Butte Road to 110<sup>th</sup> Street. (C64030405) (F23066)

**Road File A229:** General vicinity of Palm Lane from 78<sup>th</sup> Street to Hawes Road. (C64030395) (F23067)

**Road File A231:** General vicinity of 80<sup>th</sup> Street from Hermosa Vista Drive to McDowell Road. (C64030415) (F23068)

**Road File A232:** General vicinity of 82<sup>nd</sup> Street from Hermosa Vista Drive to McDowell Road. (C64030425) (F23069)

**CODE ENFORCEMENT REVIEWS SCHEDULED**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve oral arguments in the review of the Hearing Officer's Orders of Judgement in the following zoning code violation cases and schedule public hearings for 9:00 a.m., Wednesday, September 18, 2002:



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

- i. Donald Hutman, 34515 West Baseline Road, Parcel No. 401-42-010F (west half), Code Enforcement Case No. V2001-0718. (ADM3417-12)
- ii. Leo R. Leroy, 34515 West Baseline Road, Parcel No. 401-42-010F (east half), Code Enforcement Case No. V2001-0041. (ADM3417-13)

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

No Planning and Zoning cases were submitted for a hearing at the meeting of September 18, 2002.

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held July 24, 2002.

**PRECINCT COMMITTEEMEN**

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

**OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - OFFICE OF THE COUNTY RECORDER**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the official appointments and oaths of office of Casey Carpenter and Perry LaMar Hoy as special deputy recorders in the Office of the County Recorder.

**OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - CLERK OF THE SUPERIOR COURT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the official appointments and oaths of office of Dana Dowling, Sandra Duran, Berenice Facio, Raquel Caraballo, Emelda C. Dailey, Amber Farley, Nancy Flores, Sherri Gene, Rebecca Hernandez, Todd Herrera-Ridenhour, Jesse Martinez, Marlene Rivera, Doris Stafford, Sherry Smithee, Monica Schroeder, Jill Siller, Renee Suggs, Ganelle Suminimo, Lidia Uriel, and Valarie Miller as special deputy clerks in the Office of the Clerk of the Superior Court.

**CHECK ENFORCEMENT FUND QUARTERLY FINANCIAL REPORT**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust fund, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the quarterly financial report of all revenues and expenditures from the Check Enforcement Fund for the period of July 2001 through June 2002. (ADM404)

**COUNTY TREASURER'S REPORT**

Pursuant to A.R.S. §42-18002, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the report from the County Treasurer listing the amount of annual taxes charged, collected, corrections, and taxes unpaid on the roll as of June 30, 2002, and credit all collections and corrections; and pursuant to A.R.S. §11-495.C, accept the report regarding the Taxpayer's Information Fund 41. (ADM4007)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

**SECURED TAX ROLLS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve requests from the Assessor for resolution number corrections of the Secured Tax Rolls. (ADM705)

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net Result</b>
1999	6855	6888	- \$5,996.10
1999	6889	6903	- \$6,471.74
2000	9284	9315	-\$18,374.50

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>Name</b>	<b>Warrant</b>	<b>Fund</b>	<b>Amount</b>
SNZ Kosher	330501799	Expense	\$1,792.00
Griselda, Candelas, Nuno	AD320555988	Expense	\$206.00
Shirley Ann Robinson	C005486	Payroll Clearing Acct.	\$295.06

**SCHOOL**

<b>Name</b>	<b>School</b>	<b>Warrant</b>	<b>Amount</b>
Psychoed. Assessment	Littleton	42-0087860	\$6,127.50
Borders Books	Agua Fria	42-0122878	\$324.85
Krista M. Ewing	Mesa	73-0002909	\$1,246.25
Tara C. Jacobs	Osborn	13-0016110	\$737.33
Truly Nolen	Litchfield #79	42-128000	\$1008.00
Matthew C. La Paglia	Mesa	72-0075374	\$34.49
Matthew C. La Paglia	Mesa	72-0070387	\$113.06
AZ Dept. of Revenue	Avondale	42-0116004	\$82.50
AZ Dept. of Revenue	Avondale	42-0119223	\$8.55
AZ Dept. of Revenue	Avondale	42-0125139	\$32.05
AZ Dept. of Revenue	Avondale	42-0117082	\$6860.79
AZ Dept. of Revenue	Avondale	42-0113211	\$502.59
Sears Roebuck	Agua Fria #216	42-0139302	\$2,290.48
La Quinta Inn, West	Agua Fria #216	42-0114833	\$732.60
Kay Yenerich	Small Schools	42-132988	\$100.00

**STALE DATED WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
September 4, 2002**

demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Leah S. Davis	\$400.00
Karen Dolynivk	\$917.40
Judy Grayson	\$42.78
Jerry Grucky	\$ 350.00
Dan Leahy	\$360.00
Clark Edwards/Jon Mortensen	\$581.16
Ed Pilcher	\$100.00
Theresa S. Smith	\$85.00

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases, list dated September 4, 2002. (ADM704)

<b>1998 / 1999 / 2000</b>	TX 01-000423
<b>2000/2001</b>	TX 01-000526
TX 00-000329	TX 01-000528
<b>2001</b>	TX 01-000576
TX 00-000760	TX 01-000581
<b>2001/2002</b>	TX 01-000611
<b>2002</b>	<b>2002/2003</b>
ST 01-000219	TX 01-000390
ST 02-000043	TX 01-000467
TX 01-000421	

**2002 TAX YEAR REDEMPTION OF WAIVERS**

Pursuant to A.R.S. §42-11153B, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve redemption of waivers for individuals and organizations requesting exemptions for the 2002 tax year. The list is on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library, Archives, and Public Records retention schedule. (ADM721)

**CLASSIFICATION CHANGES**

There were no classification changes presented at this time. (ADM723)

**WRITE-OFFS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the write-off of uncollectable accounts for the Maricopa County Sheriff's Office as set forth in the list on file in the Office of the Clerk of the Board. These accounts are a result of court ordered services, deferred payment services, and other miscellaneous uncollectable account receivables, generally for such small amounts that further collection efforts are not justified. (Discussed in Executive Session on August 5, 2002.) (ADM3900)

**COMPROMISES**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held August 19, 2002.) (ADM407)

Shushani Akopyan	\$ 3,500.00
Rachel Davila	4,000.00
Daniel Kerns	900.00
Allen Moussa	278.39
Clint Raymond	2,200.00
Dora Rivera	519.03
Maria Rodriguez	800.00
Emanuelle Tirado	3,200.00
Renee L. Verdugo	3,000.00
Tina Young	2,000.00

**WRITE-OFFS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested write-offs as payment in full for the following cases: (Discussed in Executive Session held August 19, 2002.) (ADM407)

John Bader	\$39,916.26
Jeffrey C. Kitts	14,953.97

**PUBLIC COMMENT**

No member of the public came forward to comment at this time. (ADM605)

**SUPERVISORS' COMMENTS**

Supervisor Kunasek commented on the completion of the County's new Trail System and said that he wanted to commend the many County employees who had selflessly "gone beyond the call of duty" to make their own individual kinds of contributions to this project, because they believed in what was being accomplished for future generations. (ADM606)

Supervisor Wilcox reminded residents that September 10 is the date set for primary elections and their vote is important because some important races would be decided on that day. She said that more than 1,000 absentee ballots had been requested but few of those had been returned and she asked everyone to fill them out and mail them to the Elections Department in the envelope that had been provided.

Supervisor Brock said that drownings were lower this summer than they were last year and attributed this to more watchful parents, rescue teams that respond very quickly and efficient emergency room care. He expressed the hope that the number of this year's total drownings would remain down.

**~ Supervisor Wilcox left the meeting at this time ~**

**PLANNING AND ZONING**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session except for Supervisor Wilcox who left the meeting and did not return. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **S2001-094     District 3**  
      **Applicant:**     Montalbano Homes  
      **Location:**    Northeast corner of 7th Street and Joy Ranch Road (in the Desert Hills area)  
      **Request:**     Amended Final Plat in the Rural-43 zoning district for Apache Peak Manor II (approximately 35.92 acres)

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this final plat amendment.

2.     **S2002-032     District 4**  
      **Applicant:**     Stardust Development, Inc.  
      **Location:**    Northeast corner of Bethany Home Road and 135th Avenue (in the west Glendale area)  
      **Request:**     Amended Final Plat (Re-plat) in the R-2 R.U.P.D. and R1-10 R.U.P.D. zoning districts for Dreaming Summit Unit 1 (approximately 14.5 acres)

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this final plat amendment.

3.     **Z2001-132     District 5**  
      **Applicant:**     Frank Papscon, FRP Engineering for Kitty Norton  
      **Location:**    Approx. 1,800' west of the southwest corner of 67th Avenue and Southern Avenue (in the Laveen area)  
      **Request:**     Plan of Development in the IND-3 zoning district for a truck sandblasting and painting operation - AQC Sandblasting (approximately 7.21 acres)

**COMMISSION ACTION:** Commissioner Munoz moved to recommend approval of Z2001-132, subject to the following stipulations "a" through "f". Commissioner Jayne seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of the site shall comply with the site plan entitled "AQC Sandblasting Plan of Development" consisting of one sheet, dated July 19, 2002 and stamped received July 25, 2002, except as modified by the following stipulations.
- b.     Development shall be consistent with the narrative report entitled "A Revised Narrative Report Prepared for Ms. Kitty Norton", consisting of five pages, stamped received July 25, 2002, except as modified by the following stipulations.
- c.     Prior to zoning clearance, the applicant shall post a bond with the Maricopa County Department of Transportation for ultimate improvements on Southern Avenue to include paving, curb, gutter and sidewalk.

**FORMAL SESSION  
September 4, 2002**

- d. All trees shall be double-staked when installed.
- e. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- f. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this Plan of Development.

**REGULAR AGENDA DETAIL:**

- 4. Z 98-28 District 4**  
**Applicant:** All Star Materials  
**Location:** North of the northeast corner of Glendale Road and El Mirage Road (in the west Glendale area)  
**Request:** Rezone from Rural-43 to C-3 C.U.P.D. with a Plan of Development for landscape material sales - All Star Materials ( approximately 8.9 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z 98-28, subject to the following stipulations "a" through "o". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "All Star Materials", consisting of one sheet, dated (revised) May 24, 2002 and stamped received May 28, 2002 except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Special Use Permit for All Star Materials, Inc." consisting of four pages, stamped received February 8, 2000, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for El Mirage Road shall occur prior to zoning clearance.
- d. Prior to zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- e. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of zone change approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the site remains in compliance with the approved stipulations. If all stipulations have not been sufficiently

**FORMAL SESSION  
September 4, 2002**

addressed by that time, staff shall revisit the case before the Planning and Zoning Commission for consideration of zoning reversion to Rural-43.

- f. Prior to zoning clearance, the internal driveways and parking spaces shall be surfaced with a form of dust-proofing deemed acceptable by the Environmental Services Department.
- g. The days and hours of operation for the business shall be limited to 7:00 a.m. to 5:00 p.m. on weekdays and 7:00 a.m. to 2:00 p.m. on weekends, except that hours of operation may begin at 6:00 a.m. during the summer months of May through September.
- h. Prior to zoning clearance, the semi-truck sign shall be removed from the site.
- i. Prior to zoning clearance, the site shall be fully screened with additional landscaping or fencing slats. Evidence of said screening shall be provided for acceptance by the Planning and Development Department. Said screening may be a combination of semi-opaque fencing and live landscaping at the discretion of staff of the Planning and Development Department.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- n. At the discretion of the Department of Transportation, existing structures on the site may remain within the ultimate right-of-way of El Mirage Road until an as of yet undetermined date. However, said structures must be removed prior to acceptance of the status report referenced in stipulation 'e'. This will require an amended site plan that can be approved administratively by staff of the Planning and Development Department.
- o. The applicant shall obtain zoning clearance for all structures on the subject site, and shall obtain as-built building permits if necessary.

Joy Rich, Director of Planning and Development, said there is no opposition from Glendale or Luke Air Force Base on this item. Staff recommended modification of stipulations "a" and "b" to provide rezoning from rural-43 to **C-3 C.U.P.D. with a Plan of Development**.

**FORMAL SESSION  
September 4, 2002**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "o" and with staff modifications to stipulations "a" and "b" as follows:

- a. Development of the site shall comply with the site plan entitled "All Star Materials", consisting of one sheet, dated (revised) May 24, 2002 and stamped received May 28, 2002, **EXCEPT THAT THE CASE HAS BEEN MODIFIED FROM A REQUEST FOR A SPECIAL USE PERMIT IN THE RURAL-43 ZONING DISTRICT TO A REZONE FROM RURAL-43 TO C-3 C.U.P.D. WITH A PLAN OF DEVELOPMENT, AND** except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Special Use Permit for All Star Materials, Inc." consisting of four pages, stamped received February 8, 2000, **EXCEPT THAT THE CASE HAS BEEN MODIFIED FROM A REQUEST FOR A SPECIAL USE PERMIT IN THE RURAL-43 ZONING DISTRICT TO A REZONE FROM RURAL-43 TO C-3 C.U.P.D. WITH A PLAN OF DEVELOPMENT, AND** except as modified by the following stipulations.

**5. Z2001126      District 2 (THIS CASE CONTINUED FROM MEETING OF AUGUST 21, 2002.)  
CONTINUED**

**Applicant:** Land Use Services for Raymond & Deniece Burden and Todd Burden  
**Location:** Southwest of the southwest corner of Thomas Road and Val Vista Road (in the east Mesa area)  
**Request:** Special Use Permit for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1, for B & B Farms (approximately 0.057 acres)

**COMMISSION ACTION:** Commissioner Gulbrandsen moved to recommend approval of Z2001-126, subject to the following stipulations "a" through "r". Commissioner Munoz seconded the motion, which passed with a majority vote of 5-1, with Commissioner Pugmire dissenting.

- a. Development of the site shall comply with the site plan entitled "B & B Farms" consisting of eight (8) full-size sheets, dated revised March 26, 2002 and stamped received March 29, 2002, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "B & B Farms" consisting of 15 pages dated revised April 29, 2002 and stamped received April 29, 2002, except as modified by the following stipulations.
- c. Prior to zoning clearance, the applicant shall either dedicate for an ultimate half-width right-of-way of 65', or a 55' dedication plus recordation of a 10' public utility and facilities easement (P.U.F.E.), for Val Vista Drive and Thomas Road along the entire length of the parent parcels.
- d. Parking spaces shall meet EPA requirements for dust control.
- e. The driveway shall be paved within County right-of-way.
- f. The height of the monopole, including any attachments, shall be limited to 100'.



**FORMAL SESSION  
September 4, 2002**

- g. The site shall be screened with a 6' high block wall and all ground equipment shall be a maximum of 6' in height. A revised site plan shall be submitted within 30 days from Board of Supervisors approval, and prior to zoning clearance.
- h. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- i. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- i. An administrative amendment (slight refinement to the site plan) shall be required to co-locate future carriers on the monopole.
- j. Prior to zoning clearance, a signed and recorded access easement shall be provided.
- l. Prior to zoning clearance, the two parcels shall be legally combined and recorded documentation provided.
- m. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- o. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- q. Any antenna arrays being placed on this monopole shall be of a minimum size (maximum array width of four feet center-to-center of antennae) and under no circumstances are large catwalk types of antenna arrays to be installed.
- r. The monopole shall have a rustcore finish or a dulled finish so as to not reflect light and in order to mitigate glare and visual impact.

Joy Rich, Director of Planning and Development, related the earlier problem in this case dealing with verticality that was introduced at the August 21<sup>st</sup> meeting and said that the applicant would not be available for several weeks to continue his efforts to resolve the issues.

**FORMAL SESSION  
September 4, 2002**

Chairman Stapley said this case is in his district and that good progress has been made on it but the applicant has asked for a 30-day extension.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this case to the October 16, 2002, meeting.

- 6.      Z2001-159      District 2**  
**Applicant:**      Melodee Jones for Suzanne and Brad White  
**Location:**      1355 N. Greenfield Road (in the Gilbert area)  
**Request:**      Special Use Permit for a child daycare facility in the Rural-43 zoning district - Nana's Ranch (approximately 1.25 acres)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2001-159, subject to the following stipulations "a" through "j". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a.      Development of the site shall be in conformance with the site plan consisting of one full-size sheet entitled "Nana's Ranch" prepared by Morrow Homes L.L.C. dated revised June 25, 2002 and stamped received July 23, 2002, except as modified by the following stipulations.
- b.      Development of the site shall be in conformance with the narrative report entitled "Nana's Ranch Narrative Report" prepared by the applicant, consisting of three pages, undated but stamped received November 16, 2001, except as modified by the following stipulations.
- c.      The applicant shall construct a 6' CMU wall along the southern boundary of the S.U.P. area. After zoning approval but prior to any construction, the Flood Control District will require a drainage clearance and a building permit.
- d.      One of the proposed parking spaces shall be designated as handicap-accessible.
- e.      Maricopa County Environmental Health Code requires all proposed daycare facilities to submit plans for review. No establishment shall be constructed until detailed plans and specifications have been submitted to and approved by the Maricopa County Environmental Services Department.
- f.      Any landscaping in County right-of-way will require a permit from the Maricopa County Department of Transportation.
- g.      All outdoor lighting fixtures must comply with Section 1112 of the Maricopa County Zoning Ordinance.
- h.      This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors.
- i.      A written status report shall be submitted every five years to determine any negative impacts on adjacent property owners and to determine future land use compatibility.

**FORMAL SESSION  
September 4, 2002**

- j. Major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes.

Joy Rich, Director of Planning and Development, said Gilbert is talking about annexing this property into the city limits but is not ready to do so at this time. Planning Commission and staff recommend approval with the addition of a new stipulation "k." Noel Allen and Katherine Bareiss were present but did not choose to speak after learning of the new stipulation.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "j" with the addition of stipulation "k" as follows:

- K. APPLICANT MUST OBTAIN ZONING CLEARANCE AND BUILDING PERMIT PRIOR TO CHANGING OCCUPANCY OF THE BUILDINGS, AND WILL BE REQUIRED TO COMPLY WITH ALL STATE AND COUNTY CODES FOR AN E-3 OCCUPANCY WHICH WILL INCLUDE BUT IS NOT LIMITED TO REQUIREMENTS FOR FIRE ALARM SYSTEMS, EXITING AND HANDICAP-ACCESSIBILITY.**

- 7. **Z2002-029 District 3**  
**Applicant:** Phoenix Design Group for Daisy Mountain Fire District  
**Location:** Northwest corner of New River Road and Wagon Wheel Drive at Daisy Mountain Fire Station #146, 3116 W. New River Road (in the New River area)  
**Request:** Special Use Permit for a wireless communication facility in the Rural-43 zoning district - 800 MHZ Radio Tower (0.03 acres)

**COMMISSION ACTION:** Commissioner Jayne moved to recommend approval of Z2002-029, subject to the following stipulations "a" through "m". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "ASTRO25 MULTIZONE SYSTEM 800 MHz RADIO PROJECT, DAISY MOUNTAIN FIRESTATION #146", consisting of three (3) full-size sheets prepared by Phoenix Design Group, dated revised July 9, 2002, and stamped received July 12, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Narrative Report", consisting of three (3) pages, undated but stamped received March 20, 2002, except as modified by the following stipulations.
- c. Prior to zoning clearance for the proposed radio tower, the property owner shall bring the existing zoning violations on the parent parcel into compliance with the Maricopa County Zoning Ordinance.
- d. The owner shall continue with the variance requests contained in case BA2002064. If the Variances requested are not approved by the Board of Adjustment, the property owner shall take whatever steps necessary to bring the property into compliance with the Maricopa County Zoning Ordinance.

**FORMAL SESSION  
September 4, 2002**

- e. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements related to the radio tower, shall be removed within 60 days of such termination or expiration.
- f. A status report shall be submitted by the applicant to the Planning and Development Department 20 years from the date of Special Use Permit approval by the Board of Supervisors. The purpose of the report as to ensure compliance with all stipulations and record retention.
- g. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- h. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Planning and Development Department for all structures on the property.
- i. The tower and all tower-mounted equipment shall be painted a neutral, non-reflective, gray or brown color, or be of a galvanized finished, which has been rendered non-reflective. All ground-mounted equipment visible above the enclosure wall shall be painted a neutral color to match the surrounding desert and the wall.
- j. Major changes to this Special Use Permit (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Special Use Permit may be administratively approved by the staff of the Planning and Development Department. For purposes of this Special Use Permit, additional public service radio equipment shall be considered a Minor Amendment. In no case shall any commercial cellular or wireless communication facilities be allowed on the fire station property, including this tower, without a Major Amendment to this Special Use Permit.
- k. No new towers will be allowed on this property.
- l. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- m. A standby/backup generator shall be provided including an enhanced muffler that meets all requirements of the Maricopa County Environmental Services Department.

Joy Rich, Director of Planning and Development, gave input on what had taken place at the Planning Commission meeting. She said the County's Area Plan does not address this request but it is recommended for approval by both staff and the Planning Commission with the addition of stipulation "n."

Supervisor Kunasek asked if no one is requesting to use the easement to access their property what is the problem with leaving the water tank in place?

Ms. Rich said that one of the more important issues is that they did not get a building permit to put it in and because of the patent easement they would not be able to get a permit to do so.

**FORMAL SESSION  
September 4, 2002**

Mr. Benton, County Counsel, said that technically easements are created for certain uses, "and this wasn't one of them."

Discussion ensued on patent easements, and the possibility of co-locating cellular communications on this same tower in the future. Supervisor Kunasek asked if a Fire District isn't an independent government entity and why they had to comply with zoning regulations. Discussion ensued on this with Mr. Benton responding that he would research the matter. Supervisor Kunasek asked that any government entity not be required to do this in the future.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning commissions recommendation for approval subject to stipulations "a" through "m" and with the addition of stipulation "n" as follows:

**N. DAISY MOUNTAIN FIRE DISTRICT SHALL REMOVE THE EXISTING WATER STORAGE TANK AND ASSOCIATED PRESSURE TANK FROM THE PATENT EASEMENT WITHIN THREE (3) YEARS OF THE APPROVAL OF THIS SPECIAL USE PERMIT BY THE BOARD OF SUPERVISORS, OR CONCURRENT WITH CONSTRUCTION OF THE NEW FIRE STATION FACILITY ON THE SITE, AFTER HAVING OBTAINED THE PROPER PERMITS FOR SUCH RELOCATION.**

8. **Z2002-056**      **District 3**  
**Applicant:**      Pederson/Anthem Village L.L.C.  
**Location:**      Northeast of the northeast corner of Anthem Way and Gavilan Peak Parkway (in the Anthem area)  
**Request:**      Plan of Development for retail shops in the C-2 C.U.P.D. zoning district - Anthem Shops (7.9 acres)

**COMMISSION ACTION:** Commissioner Jayne moved to re commend approval of Z2002-056, subject to the following stipulations "a" through "n". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in conformance with the site plan consisting of five full-size sheets entitled "Precise Site Plan, Anthem Shops for the Pederson Group" (includes Plan of Development, Preliminary Landscape Plan, and Elevations) prepared by Ellerman Schick Architecture and Planning, dated August 1, 2002 (revised) and stamped received August 2, 2002, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the preliminary landscape plan consisting of one sheet prepared by CMX Group, Inc., dated February 11, 2002 and stamped received July 12, 2002 and the conceptual utility plan consisting of one sheet prepared by CMX Group, Inc., dated June 27, 2002 and stamped received July 12, 2002, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for Anthem Shops..." prepared by Pederson Group, Inc., consisting of five pages, dated June 26, 2002 (revised) and stamped received June 28, 2002 – except as modified by the following stipulations.

**FORMAL SESSION  
September 4, 2002**

- d. Prior to construction, a drainage clearance will be required. Final grading and drainage plans and a final drainage report will need to be reviewed and approved by the Flood Control District.
- e. Any landscaping in County right-of-way will require a permit from the Maricopa County Department of Transportation.
- f. A subdivision plat, per Maricopa County Subdivision Regulations, shall be required if the subject property is split into more than three parcels.
- g. All outdoor lighting fixtures must comply with Section 1112 of the Maricopa County Zoning Ordinance.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility-related ground equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- i. Major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes.
- j. A pedestrian path shall be required along the northeastern boundary of the site adjacent to the natural wash.
- k. A C.U.P.D. overlay is applied to the site that allows:
  - i. The location of two monument signs within the designated landscape easement along Anthem Way and Gavilan Peak Parkway.
  - ii. Relief from the screen wall requirements adjacent to residential zoning districts.
- l. Parking lot lights shall observe a maximum overall height of 18'.
- m. Intensive landscaping shall be provided along the natural wash in combination with four-foot (4') high parking lot screen walls and an architectural treatment on the real elevation of buildings.
- n. Monument signs shall be limited to an overall height of ten feet (10') including all attachments and architectural treatments.

Joy Rich, Director of Planning and Development, gave the background from the Planning Commission hearing regarding this request. She said that three stipulations had been added to address concerns expressed there.

Ron Jarrett, citizen and resident of Anthem, said he and a group of residents had a concern about the lights at the Ace Hardware Store Garden Center and they feel the developer should address this problem.

Gary Pederson, The Pederson Group, said these homes are more than 3 football fields distant from this light source at the center and he assured residents that the lights would not be on late at night and there would be mesh screens at the garden center that should screen the light and cut any glare.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 4, 2002**

Mr. Jarrett indicated that the times that Ace Hardware stores are open for business vary throughout the Valley and they had no guarantee what this store's hours would be. He also indicated that mesh screens are like the ones put on windows and everyone who has them know that they may screen light during the day but not at night. Mr. Pederson said they could install a double-thick mesh screen to make it more opaque. He also indicated that large trees would be planted to help screen the facility. Mr. Jarrett wanted to know how tall the trees would be and was told between 24 and 36 feet. Mr. Jarrett asked for a minimum height. Supervisor Kunasek said they "would supply the very best specimen trees they have available for this site." Agreement was reached.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried, 4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "n."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Norma Risch, Deputy Clerk of the Board